



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,448	07/01/1999	DOUGLAS WALTER CONMY		1268

909 7590 04/18/2005

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

LY, ANH

ART UNIT PAPER NUMBER

2162

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/345,448

Applicant(s)

CONMY ET AL.

Examiner

Anh Ly

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,11-19,21-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4,6-9,11-19,21-35 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

h

DETAILED ACTION

1. This Office Action is response to applicants' communications filed on 11/16/2004.
2. Claims 1-4, 6-9, 11-19, 21-35 & 37 are pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2162

5. Claims 1, 6, 11, 13, 16, 33-35 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,374,252 issued to Althoff et al. (hereinafter Althoff) in view of US Patent No. 6,119,101 issued to Peckover.

With respect to claim 1, Althoff teaches subscription requesting means for enabling a user to request a subscription of at least one non-web document from at least one database (a searchable database in relational database containing objects from which the database enables a user to make a search request for the desired objects to be retrieved: fig. 1, col. 7, lines 27-45 and col. 8, lines 45-67); and

subscription requesting means including a selection formula, wherein the selection formula is programmed by the user, the selection formula including search criteria corresponding to the subscription (user interface comprising a GUI, having editing tools for creating and editing, for entering user search query, receiving from the user's inputting/entering the search query or search request including commands or command codes for querying or searching user's desired objects or subscriptions from a database in the user relational database: see fig 2, item 210 and fig. 9, col. 6, lines 55-67, col. 7, lines 48-57 and col. 9, lines 42-52).

Althoff teaches a relational database system enabling a user to make a search request, as well as editing or update the search query including commands or command codes which are received via user interface comprising GUI having editing tools in order to get the desired object stored in the searchable database. Althoff does not clearly teach wherein the search criteria identify information to be search for and presented to

Art Unit: 2162

the user at various intervals without additional user intervention, receiving subscription parameter from the user, performing search and notifying the user.

However, Peckover teaches getting the search result based on the search request without requiring user's interact who generated the data (col. 38, lines 22-52); searching the magazine subscription as subscription parameter (col. 3, lines 14-20; and col. 19, lines 15-25); searching the desired subscriptions which are to be retrieved based on the matching of the search criteria of the search request to have the listed search results (col. 19, lines 15-25); and response manager is issued a notification to the user (col. 30, lines 25-32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff with the teachings of Peckover, wherein user interface receiving the search request from the user for the desired objects to be retrieved from the database in the system provided therein (Althoff's fig 2, item 210 and 211), would incorporate the use of receiving subscription parameter for searching the magazine subscription, in the same conventional manner as described by Peckover (col. 3, lines 14-20). The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

With respect to claim 6, Althoff teaches subscription requesting means for enabling a user to request a subscription of at least one non-web document from at least one database (a searchable database in relational database containing objects from which the database enables a user to make a search request for the desired objects to be retrieved: fig. 1, col. 7, lines 27-45 and col. 8, lines 45-67); and

subscription requesting means including a selection formula, wherein the selection formula is programmed by the user, the selection formula including search criteria corresponding to the subscription (user interface comprising a GUI, having editing tools for creating and editing, for entering user search query, receiving from the user's inputting/entering the search query or search request including commands or command codes for querying or searching user's desired objects or subscriptions from a database in the user relational database: see fig 2, item 210 and fig. 9, col. 6, lines 55-67, col. 7, lines 48-57 and col. 9, lines 42-52).

Althoff teaches a relational database system enabling a user to make a search request, as well as editing or update the search query including commands or command codes which are received via user interface comprising GUI having editing tools in order to get the desired object stored in the searchable database. Althoff does not clearly teach wherein the search criteria identify information to be search for and presented to the user at various intervals without additional user intervention, receiving subscription parameter from the user, performing search and notifying the user.

However, Peckover teaches getting the search result based on the search request without requiring user's interact who generated the data (col. 38, lines 22-52); searching the magazine subscription as subscription parameter (col. 3, lines 14-20; and col. 19, lines 15-25); searching the desired subscriptions which are to be retrieved based on the matching of the search criteria of the search request to have the listed search results (col. 19, lines 15-25); and response manager is issued a notification to the user (col. 30, lines 25-32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff with the teachings of Peckover, wherein user interface receiving the search request from the user for the desired objects to be retrieved from the database in the system provided therein (Althoff's fig 2, item 210 and 211), would incorporate the use of receiving subscription parameter for searching the magazine subscription, in the same conventional manner as described by Peckover (col. 3, lines 14-20). The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

Claim 11 is essentially the same as claim 1 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 1 hereinabove.

With respect to claim 13, Althoff teaches a system for enabling a system user to request a subscription as discussed in the claim 11.

Althoff teaches a relational database system enabling a user to make a search request, as well as editing or update the search query including commands or command codes which are received via user interface comprising GUI having editing tools in order to get the desired object stored in the searchable database. Althoff does not clearly teach periodically searching the at least one database.

However, Peckover teaches searching the product database (fig. 2 item 32 and col. 30, lines 35-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff with the teachings

Art Unit: 2162

of Peckover, wherein user interface receiving the search request from the user for the desired objects to be retrieved from the database in the system provided therein (Althoff's fig 2, item 210 and 211), would incorporate the use of receiving subscription parameter for searching the magazine subscription, in the same conventional manner as described by Peckover (col. 3, lines 14-20). The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

Claim 16 is essentially the same as claim 1 except that it is directed to a processor readable medium rather than a system, and is rejected for the same reason as applied to the claim 1 hereinabove.

With respect to claims 33-35, Althoff teaches a system for enabling a system user to request a subscription as discussed in the claim 1.

Althoff teaches a relational database system enabling a user to make a search request, as well as editing or update the search query including commands or command codes which are received via user interface comprising GUI having editing tools in order to get the desired object stored in the searchable database. Althoff does not clearly teach syntax checking, a predetermined period of time and an electronic mail message containing a predetermined text.

However, Peckover teaches syntax rules and operation (col. 6, lines 40-40); e-commerce (col. 8, lines 10-34) and predetermined period of time (col. 24, lines 18-32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff with the teachings of Peckover, wherein user interface receiving the search request from the user for the

Art Unit: 2162

desired objects to be retrieved from the database in the system provided therein (Althoff's fig 2, item 210 and 211), would incorporate the use of receiving subscription parameter for searching the magazine subscription, in the same conventional manner as described by Peckover (col. 3, lines 14-20). The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

With respect to claim 37, Althoff teaches enabling a user to input a selection formula, said selection formula including search criteria corresponding to a subscription (user interface comprising a GUI, having editing tools for creating and editing, for entering user search query, receiving from the user's inputting/entering the search query or search request including commands or command codes for querying or searching user's desired objects or subscriptions from a database in the user relational database: see fig 2, item 210 and fig. 9, col. 6, lines 55-67, col. 7, lines 48-57 and col. 9, lines 42-52).

Althoff teaches a relational database system enabling a user to make a search request, as well as editing or update the search query including commands or command codes which are received via user interface comprising GUI having editing tools in order to get the desired object stored in the searchable database. Althoff does not clearly teach wherein the search criteria identify information to be search for and presented to the user at various intervals without additional user intervention, receiving subscription parameter from the user, performing search and notifying the user.

However, Peckover teaches getting the search result based on the search request without requiring user's interact who generated the data (col. 38, lines 22-52);

Art Unit: 2162

searching the magazine subscription as subscription parameter (col. 3, lines 14-20; and col. 19, lines 15-25); searching the desired subscriptions which are to be retrieved based on the matching of the search criteria of the search request to have the listed search results (col. 19, lines 15-25); and response manager is issued a notification to the user (col. 30, lines 25-32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff with the teachings of Peckover, wherein user interface receiving the search request from the user for the desired objects to be retrieved from the database in the system provided therein (Althoff's fig 2, item 210 and 211), would incorporate the use of receiving subscription parameter for searching the magazine subscription, in the same conventional manner as described by Peckover (col. 3, lines 14-20). The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

6. Claims 2-3, 7-8, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,374,252 issued to Althoff et al. (hereinafter Althoff) in view of US Patent No. 6,119,101 issued to Peckover and further in view of US Patent No. 6,141,653 issued to Conklin et al. (hereinafter Conklin).

With respect to claims 2-3 and 7-8, Althoff in view of Peckover discloses a system as discussed in claims 1 and 6.

Althoff and Peckover disclose substantially the invention as claimed.

Althoff and Peckover do not teach the search of the at least one database on a random basis.

However, Conklin discloses the search of the at least one database on a random basis as claimed (col. 29, lines 12-47).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff in view of Peckover with the teachings of Conklin by incorporating the use of searching database randomly. The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

Claim 14 is essentially the same as claim 2 except that it is directed to a method rather than a system (col. 29, lines 12-47), and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 15 is essentially the same as claim 3 except that it is directed to a method rather than a system (col. 29, lines 12-47), and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 17 is essentially the same as claim 2 except that it is directed to a medium rather than a system (col. 29, lines 12-47), and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 18 is essentially the same as claim 3 except that it is directed to a medium rather than a system (col. 29, lines 12-47), and is rejected for the same reason as applied to the claim 3 hereinabove.

Art Unit: 2162

7. Claims 4, 9, 12, 19, and 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,374,252 issued to Althoff et al. (hereinafter Althoff) in view of US Patent No. 6,119,101 issued to Peckover and further in view of US Patent No. 6,020,980 issued to Freeman.

With respect to claims 4 and 9, Althoff in view of Peckover discloses a system as discussed in claims 1 and 6.

Althoff and Peckover disclose substantially the invention as claimed.

Althoff and Peckover do not teach the input means for enabling a user to input one or more options relating to the subscription.

However, Freeman discloses the input as claimed (col. 10, lines 38-54).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff in view of Peckover with the teachings of Freeman by incorporating the use of the input for searching database randomly. The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

With respect to claims 12, 22 and 25, Althoff in view of Peckover discloses a system as discussed in claims 1 and 6.

Althoff and Peckover disclose substantially the invention as claimed.

Althoff and Peckover do not teach subscription presenting means for presenting the subscription to the user.

However, Freeman discloses the subscription presenting means as claimed (see abstract, col. 6, lines 19-49, and col. 7, lines 28-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff in view of Peckover with the teachings of Freeman by incorporating the use of presenting the subscription to the user. The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

Claim 19 is essentially the same as claim 4 except that it is directed to a medium rather than a system, and is rejected for the same reason as applied to the claim 4 hereinabove.

With respect to claims 21 and 23, 24, and 26, Althoff in view of Peckover discloses a system as discussed in claims 1 and 6.

Althoff and Peckover disclose substantially the invention as claimed.

Althoff and Peckover do not teach at least one database is a Lotus Notes Database and subscription presenting means presents the subscription as an electronic mail message.

However, Freeman discloses the Lotus Notes as claimed (col. 4, lines 36-67, and col. 5, lines 1-6) and the email message as claimed (see abstract, col. 6, lines 19-49, and col. 7, lines 28-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Althoff in view of Peckover with the teachings of Freeman by non-web database such as Lotus Notes. The motivation being to improve the update system for retrieving, scanning and filtering information desired by a user.

Art Unit: 2162

Claim 27 is essentially the same as claim 21 except that it is directed to a method rather than a system (col. 4, lines 36-67, and col. 5, lines 1-6), and is rejected for the same reason as applied to the claim 21 hereinabove.

Claim 28 is essentially the same as claim 22 except that it is directed to a method rather than a system (see abstract, col. 6, lines 19-49, and col. 7, lines 28-56), and is rejected for the same reason as applied to the claim 22 hereinabove.

Claim 29 is essentially the same as claim 23 except that it is directed to a method rather than a system (see abstract, col. 6, lines 19-49, and col. 7, lines 28-56), and is rejected for the same reason as applied to the claim 23 hereinabove.

Claim 30 is essentially the same as claim 21 except that it is directed to a medium rather than a system (col. 4, lines 36-67, and col. 5, lines 1-6), and is rejected for the same reason as applied to the claim 21 hereinabove.

Claim 31 is essentially the same as claim 22 except that it is directed to a medium rather than a system (see abstract, col. 6, lines 19-49, and col. 7, lines 28-56), and is rejected for the same reason as applied to the claim 22 hereinabove.

Claim 32 is essentially the same as claim 23 except that it is directed to a medium rather than a system (see abstract, col. 6, lines 19-49, and col. 7, lines 28-56), and is rejected for the same reason as applied to the claim 23 hereinabove.

Art Unit: 2162


Contact Information


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to (571) 273-4039. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean Corrielus (571) 272-4032.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center (703) 872-9306


JEAN M. CORRIELUS
PRIMARY EXAMINER

ANH LY 
APR. 13th, 2005